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Dear Vivienne

Considering regulatory burden in light of UUK's recent publication

I'm writing following the publication of UUK's report 'The challenge of regulatory burden'. Thank you for sharing the report with my team – colleagues read it with interest and were pleased to contribute to the roundtable you hosted in the summer.

I was pleased to see a clear message of support for the principle of regulation. Students and society invest significant time and money in the higher education sector; regulation helps protect their interests as they do so. We should, of course, think carefully about the burden regulation places on those regulated, and I'm grateful for the contribution your report makes to the debate. We'll consider the examples in your report as we continue our work in this area.

In the spirit of our refreshed approach to engagement with you and the providers we regulate, I also wanted to provide a response now to the overall thrust of the report.

Registration with the OfS is the gateway to considerable benefits for those institutions that choose to seek it. No institution is obliged to join our Register but, for those that do, OfS registration provides access to university title, degree awarding powers, and the international student market through visa schemes. It also gives access to significant funding, directly from taxpayers, and underwritten by them in the form of student loans. Naturally, these benefits come with responsibilities.

So I think it's important to highlight that the report considers only the 'cost' side of the regulatory impact equation. It is impossible to form a rounded view of regulatory impact without also considering the benefits of regulation – to students, to society, and to providers themselves. A well-regulated sector ensures students can access, fairly and with confidence, the high quality education they deserve. And robust regulation offers taxpayers assurance that their investment is

contributing to a rigorous and credible system that can continue to bring significant benefits to the economy and society more broadly.

Your report helpfully includes comparisons with other sectors. Those insights suggest that regulatory burden in English higher education is similar to other regulated systems. As you know from our recent discussions with UUK members, the OfS is not complacent about the impact of our regulation on providers. We do, though, consider that the sector comparisons in your report support a view that the regulatory impact of OfS regulation is, overall, at a reasonable level. As all UUK members in England are registered with the OfS, we assume that your members have also concluded that the overall burden of our regulation is not outweighed by the benefits registered universities and colleges receive.

I noticed that, in considering the overall impact of OfS registration, your report includes examples of activities which your members agree are 'regulatory requirements ... that would be carried out regardless of if they [providers] were being regulated by the OfS'. I would suggest such examples are not best thought of as 'regulatory burden', as they would exist in any event and so cannot be reasonably attributed to the OfS's involvement.

All that said, I would reiterate that we never want to be complacent about potential undesirable effects of our regulation. We have reduced burden in a number of areas and will continue to do so where possible. I would like to thank you for offering this report as part of that process. We will reflect further on your recommendations, including the suggestions for ways to best enable sector engagement. I hope your members have already found our recent changes in this area helpful, including our programme of visits earlier this year and changes to our approach to consultations – with spacing of consultations and longer periods for responses. We understand that these changes may be too recent to have featured in the fieldwork for your report, but feedback from providers has been positive.

We would be delighted to hear further thoughts about how we might develop our approach to engagement, as well as any additional practical suggestions for reducing unnecessary regulatory burden. Similarly, I look forward to hearing about progress made by your members in responding to the points in the report that suggest there may be better ways to manage regulatory compliance within institutions. We would also like to enlist your help in improving institutions' understanding of our regulatory approach – there are some examples in the report that we don't recognise – and reminding them of the significant progress we have already made in reducing unnecessary burden.

Dialogue with you and those we regulate is important to our success as a regulator and, indeed, the success of the sector itself. I look forward to seeing you, and colleagues from institutions, at the UUK conference this week where I'm sure there'll be helpful discussions of these and other issues. In line with our commitment to continue a transparent and open conversation with the sector we regulate, I plan to publish a copy of this letter on the OfS's website.

With best wishes



Susan Lapworth
Chief Executive